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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,581	04/16/2004	Ned E. Mott	3782.002	1756
24040	7590	11/08/2005		
DENNIS G. LAPOINTE LAPOINTE LAW GROUP, PL PO BOX 1294 TARPON SPRINGS, FL 34688-1294			EXAMINER DONDERO, WILLIAM E	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/826,581	Applicant(s) MOTT ET AL.	
	Examiner William E. Dondero	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/01/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed July 1, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. No concise explanation of relevance was found for document 17, JP 11-29294. Therefore, it was lined out on the PTO1449 and not considered by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes. Regarding Claim 1, Hughes discloses a cable winch system comprising a drum 28 being the means for winding and unwinding at least one cable 26, means for rotating 64 the drum for winding and unwinding the at least one cable, a cable guide 52 including two parallel elongate members 116 wherein the elongate members are spaced apart to allow for the least one cable to freely travel in between the elongate members and for guiding the winding and unwinding of the at least one cable on the drum, the cable guide being pivotally attached to means for oscillating (as explained in

Art Unit: 3654

Column 3, Lines 3-36) the cable guide so as to cyclically guide the at least one cable for evenly distributed winding and unwinding of the at least one cable along one end of the drum to an opposite end of the drum, and remote oscillating operating means (hydraulic motor 64) in mechanical communication with the means for oscillating the cable guide, the remote oscillation operating means being on a side of the one of the ends of the drum in a non-interfering relationship with the oscillation of the cable guide (Figures 3 and 4, Column 3, Lines 3-36). Regarding Claim 2, Hughes' remote oscillation means includes a shaft 36 in mechanical communication on one end of the shaft with the means for oscillating the cable guide (Figures 3 and 4, Column 3, Lines 3-36).

Regarding Claim 3, the shaft is aligned in a generally parallel relationship to an axis of rotation of the drum as shown by Hughes in Figure 3. Regarding Claim 5, Hughes further discloses the shaft is attached to a universal joint fitting 84, which in turn is in mechanical communication with the means for oscillating said cable guide (Figure 4).

Regarding Claim 6, the cable guide of Hughes' winch system further comprises a removable cable travel securement means 114 at an opposite end of the cable guide pivot attachment to the means for oscillating the cable guide, the removable travel securement means being means for preventing the at least one cable from exiting outside the parallel elongate members (Figure 4). Regarding Claim 7, the cable guide parallel elongate members of Hughes' winch system each comprise an inner elongate member (pins shown but not numbered) and an outer concentric freely rotatable elongate member 116 (Figure 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes as applied to claims 1 and 2 above, and further in view of Buttles. Hughes is silent about a handle means attached on an opposite end of the shaft. However, Buttles discloses a handle means 8 controlling the cable guide 21 on an opposite end of a shaft 6 from the pivot mechanism (Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the handle means of Buttles' winch system to allow the winch to be manually operated in the case of failure of the hydraulic motor.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes as applied to claims 1, 6, and 7 above, and further in view of Cleveland. Hughes is silent about the outer freely rotatable elongate member being made from materials selected from the group consisting of polymer composites, metals, and combinations thereof. However, Cleveland discloses rotatable elongate member 75, 75 being made from metal (Figure 6, Column 3, Lines 64-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the outer freely rotatable elongate member of Hughes' winch system from metal to maintain low friction between the member and the cable as taught by Cleveland (Column 3, Lines 64-66).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lingenfelter, Arduser, Flutz et al., Henggeler, Weakland are cited for disclosing handle means for controlling oscillations of a cable guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wed


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600